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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,661	03/29/2004	Osamu Toyoda	1082.1035C	1129

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EXAMINER

MCPHERSON, JOHN A

ART UNIT	PAPER NUMBER
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1756

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,661

Applicant(s)

TOYODA ET AL.

Examiner

John A. McPherson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004 and 21 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 5-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/763,572.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/29/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-4, 10 and 11 in the reply filed on 6/21/06 is acknowledged. Claims 5-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-4, 10 and 11 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 5 and 7 of U.S. Patent No. 6,713,959. Although the conflicting claims are not identical, they are not patentably

distinct from each other because the claims of the present invention completely encompass (i.e. are anticipated by) the claims of the patent.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 7-045191 (JP '191). JP '191 discloses barrier layer formation method of a plasma display panel comprising the steps of applying a glass paste **2a** on a substrate, forming a mask **31** on the glass paste **2a**, applying a glass paste **2b** on the mask **31** and the glass paste **2a**, forming a mask **51** on the glass paste **2b**, and performing sand blast processing through the masks **31** and **51** to remove portions of glass pastes **2a** and **2b**, so as to form a barrier **7** having a recess **7a** (i.e. higher and lower portions, respectively). See the abstracts; paragraphs [0001], [0008]-[0010] of the computer-generated translation; and Figures 1-3.

4. Claims 1, 2, 4, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,209,688 to Nishigaki et al. (Nishigaki). Nishigaki discloses a method of forming barriers of a plasma display panel comprising the steps of applying a slip comprising an ultraviolet-curable resin and ceramic powder onto a substrate to form

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a coating layer, exposing the coating layer to ultraviolet light through a mask for a low barrier layer, repeating the applying and exposing steps utilizing a mask for a high barrier layer, developing the exposed portions, and firing the exposed portions to form barriers of different heights. See the abstract; column 3, lines 30-60; column 5, line 60 to column 6, line 2; column 9, line 48 to column 11, line 4; and Figures 3a-j.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 7-045191 (JP '191) in view of US 5,909,083 to Asano et al. (Asano). The disclosure of JP '191 is discussed above in paragraph 3. However, JP '191 does not disclose an embodiment wherein the first material (i.e. glass paste **2a**) contains a white pigment.

Asano discloses a process for producing the barrier of a plasma display panel, wherein a white pigment is added to a glass paste so as to effectively lead light from the phosphor to the front surface of the panel. See column 7, lines 13-41. It would have been obvious to one skilled in the requisite art to add a white pigment, as taught by Asano, to the first glass paste in the process of JP '191 because it is taught that adding a white pigment to a glass paste in a process of making a barrier of a plasma panel

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display provides a means of effectively leading light from the phosphor to the front surface of the panel.

6. Claims 1-4, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,209,688 to Nishigaki et al. (Nishigaki) in view of US 5,909,083 to Asano et al. (Asano). The disclosure of Nishigaki is discussed above in paragraph 4. Furthermore, Nishigaki discloses that the slip material for the low barrier layer may comprise a black material (see column 10, lines 4-7). However, Nishigaki does not disclose an embodiment wherein the first material (i.e. the slip material for the lower barrier layer) comprises a white pigment.

Asano discloses a process for producing the barrier of a plasma display panel, wherein either a black pigment or white pigment is added to a glass paste for a first barrier-forming material. See column 7, lines 13-41. It would have been obvious to one skilled in the requisite art to add a white pigment, as taught by Asano, to the first glass paste in the process of JP '191 because it is taught that adding a white pigment to a glass paste in a process of making a barrier of a plasma panel display is an art-recognized alternative to adding a black pigment, so as to provide a means of effectively leading light from the phosphor to the front surface of the panel.

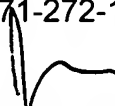
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. McPherson whose telephone number is (571)

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272-1386. The examiner can normally be reached on Monday through Friday, 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John A. McPherson
Primary Examiner
Art Unit 1756

JAM
8/25/06